

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TYRONE P. JAMES :
Plaintiff :
v. :
: CIVIL ACTION NO. 1:01-CV-1015
YORK COUNTY POLICE :
DEPARTMENT, JAMES H. MORGAN, :
RICHARD PEDDICORD, RAYMOND E. CRAUL, :
GENE FELLS, DET. KESSLER, CO. BAYLARK, :
RANDY SNIPES, BRIAN WESTMORELAND, :
and DETECTIVE GLOWCZESKI, :
Defendants :
: (Judge Kane)

FILED
HARRISBURG, PA.
OCT 29 2003
MARY E. O'ANNE, CLERK
Per 9/5
Deputy Clerk

PLAINTIFF'S REPLY ANSWERS TO DEFENDANTS' ANSWERS
TO PLAINTIFF'S COMPLAINT AND AMENDED COMPLAINT

Plaintiff, Tyrone P. James, hereby, response to State Defendant answers to plaintiff complaint and amended complaint, hereby represent:

1. Defendants response and defenses presents no factual claims and presented no information as to defendant defenses. As to Defendants answers, Plaintiff's response:

FIRST DEFENSE

I. Previous Lawsuits: Does not require an answer from Defendants.

II. Exhaustion of Administrative Remedies

A. Plaintiff was not in the Department Of Correction (DOC) prison, when his constitutional rights were violated by State Defendants', acting under the color of state law.

B. Constitutional rights and Federal laws were violated.

C

C. No Response.

III. Defendants, A-B: No Responses.

IV. Statement of Claims

1. No Response.

2. There are material issue of facts and circumstances surrounding this case.

3. No response. There are material issue of fact in dispute regarding this matter.

4. There is a material issue of fact in dispute regarding the Plaintiff's on this topic.

5. There is a material issue of fact in dispute regarding this subject matter.

6. No Response.

7. There is a material issue of facts in dispute regarding the Plaintiff's.

8. No Response.

9. Matter of Laws; There is a material issue of fact in dispute regarding the plaintiff's and Defendants in this matter.

10. Factual claims; there is a material issue of facts exist.

11. Factual Claims; Material issues of facts exist.

12-15:

Factual Claims; material issues of facts exist, showing a violation of Federal and Constitutional laws violation.

LEGAL CLAIM

1-6: There are a material issues of fact in dispute regarding the Plaintiff's, and the violation of his Federal and State Constitutional rights; Matter of Laws.

MOTION TO AMEND COMPLAINT AND BRIEF

1-3. No Response

4. Deemed factual and is a matter of laws.

5. Deemed factual and matter of law.

6. Deemed factual and matter of law.

SECOND DEFENSE

Plaintiff states, that all claims are factual, and of merits, pursuant to Complaint and Amended Complaint.

THIRD DEFENSE

Plaintiff's was deprived of his right, by named Defendant, under the

FOURTH DEFENSE

Defendants at all time, acted maliciously, intentionally, sadistically and with reckless disregard to this Plaintiff's Constitutional rights, for the very purpose of causing harm; therefore is not entitled to immunity. It would be for the jury to determine whether the police officers "reasonably believed in good faith that the arrest was constitutional."

FIFTH DEFENSE

Plaintiff is entitled to the relief he sought, for the violative conducts of these State Defendants.

SIXTH DEFENSE

Plaintiff's Amended Complaint is meritorious and factual which add several Defendants to his original Complaint filed on June 8, 2001; Defendants were present, and took active roll in the violation. There is a material issue of fact in dispute regarding the Plaintiff's, warranting an award of attorney's fee's and costs in favor of the Plaintiff, on the basis of laws.

SEVENTH DEFENSE

Plaintiff's challenged the constitutional search and seizure, the illegal arrest, use of excessive force, his due process right under Fourteenth and Fifth Amendments, entitled to a state arrestee, under the state, Procedural Due Process and the Sixth Amendment right to counsel and the intentional interfering with attorney-client privileges, and access to attorney, by State Defendants, acting under the color of state law, violated his civil right.

Plaintiff's is not challenging prison condition, but his constitutional violation of State Defendants. There are no exhaustion of administrative remedies available to this Plaintiff's.

WHEREFORE, judgment should be entered in favor of the Plaintiff together with all cost and fees; in the alternative, this civil case would proceed to trial.

Date: Oct. 23, 2003.

Respectfully Submitted,
Tyrone James EX9451

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FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TYRONE P. JAMES	:	
Plaintiff	:	
v.	:	CIVIL ACTION NO. 1:01-CV-1015
	:	(Judge Kane)
YORK COUNTY POLICE	:	
DEPARTMENT, JAMES H. MORGAN,	:	
RICHARD PEDDICORD, RAYMOND E. CRAUL,	:	
GENE FELLS, DET. KESSLER, CO. BAYLARK,	:	
RANDY SNIPES, BRIAN WESTMORELAND,	:	
and DETECTIVE GLOWCZESKI,	:	
Defendants	:	

VERIFICATION

I, Tyrone P. James, verify, under penalty of perjury, that the foregoing petition is true and correct to the best of my knowledge and belief, pursuant to 18 Pa.C.S. § 4904; 28 U.S.C. 1746.

Respectfully Submitted,

Date: October 23, 2003.



Tyrone P. James
EX 9451
P.O. Box A
Bellefonte, PA 16823-0820

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FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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GENE FELLS, DET. KESSLER, CO. BAYLARK,	:	
RANDY SNIPES, BRIAN WESTMORELAND,	:	
and DETECTIVE GLOWCZESKI,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I hereby certify that I am on this day serving the forgoing PLAINTIFF'S REPLY ANSWER TO DEFENDANTS' ANSWERS TO PLAINTIFF'S COMPLAINT AND AMENDED COMPLAINT, upon the persons in the manner indicated below which service satisfies the requirement of Fed.R.App.P., and pursuant to 28 U.S.C.1746:

SERVICE BY FIRST CLASS MAIL AS FOLLOWS:

Jason C. Giurintano, Esquire
Office of Attorney General
15th Floor, Strawberry Square
Harrisburg, PA 17120

Donald L. Reihart, Esquire
Law Office of Donald L. Reihart
2600 Eastern Blvd., Suite 204
York, PA 17402

Office Of The Clerk
United States District Court
Middle District Of Pennsylvania
228 Walnut Street
P.O. Box 983
Harrisburg , PA 17198

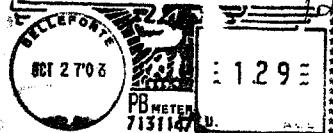
Date: October 23, 2003

Tyrone James

Tyrone P. James
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INMATE MAIL
PA DEPT OF
CORRECTIONS



FILED
HARRISBURG, PA

OCT 29 2003

MARY E. D'ANDREA, CLERK
Per [signature]

Office of The Clerk
United STATES District Court
Middle District of Pennsylvania
228 Walnut Street
Harrisburg, PA 17108

car mail
FIRST CLASS MAIL